

ARTICLE 8. GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

8.1 APPLICATION OF REGULATIONS

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

8.2 EXCEPTIONS AND MODIFICATIONS

1. Setbacks- Corner Lots

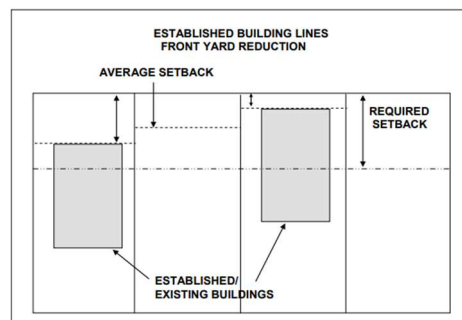
The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.

2. Setbacks- Through or Double Frontage Lots

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

3. Setbacks- Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners. However, in no case shall setbacks be less than fifteen feet.



4. Setbacks- Multiple Buildings on Lot

Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings and a horizontal distance that is at least equal to the height of the highest adjacent building shall separate buildings.

5. Setbacks- Accessory Uses

Unless specifically modified below, all accessory uses and structures shall observe the required setbacks applicable to the principal building or use, as set forth in Table 2.

Table 6 Setback Modifications, Accessory Uses				
Accessory Uses	Required Setback Area			
To Residential Uses on lots less than 2 acres*	Front	Side	Corner Lot	Rear
Fences & walls	(B)	(B)	(B)	(B)
Swimming pool, tennis courts	BL	10'	10'	10'
Family day care home	BL	BL	BL	BL
Single story structures OR structures less than 10,000 square feet	BL*	5'	5'	5'
Multi-story structures OR structures equal to or greater than 10,000 square feet	BL	BL	BL	BL
To Residential or Nonresidential Rural Uses on lots equal to or greater than 2 acres				
Fences & walls	(B)	(B)	(B)	(B)
Swimming pool, tennis courts	BL	10'	10'	10'
Family day care home	BL	BL	BL	BL
Single story structures less than 200% of gross floor area of primary structure	BL	5'	5'	5'
Multi-story structures less than 10,000 square feet	BL	BL	BL	BL
Multi-structures equal to or greater than 10,000 square feet	100'	100'	100'	100'
To Non-Residential (Commercial and Industrial) Uses				
Buildings, structures	BL	(A)	BL	(A)
Open Storage	BL	BL	BL	(A)

*Accessory structures are not permitted in front of the principal structure, except on residential waterfront property.

BL = Required Building Line for principal use.

(A) Minimum Setbacks:	<u>Side Yard</u>	<u>Rear Yard</u>
From Residential Zoned Property Line	25'	25'
From all other Property Lines	0'	0'

Note: Minimum setback shall be not less than the requirements of Table 2, if bufferyard is required.

(B) Fences and walls may be located in all required yards along any property line provided the structure shall meet the visibility requirements of Section 7.5; further provided that the structure shall not exceed 6 feet in height and opaque fences shall not be constructed in the front yard setback area unless approved by the Zoning Administrator.

6. Height

The height limitations of this Ordinance shall not apply to the following, except in the AC, Airport Compatibility District:

Belfries	Flag Poles
Chimneys	Ornamental towers and spires
Church spires	Public monuments
Cupolas	Public utility poles
Domes	Smokestacks
Fire towers	Silos

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

The height of communication towers, antennas, and water tanks also shall be exempt from the height requirements of this Ordinance; provided such structures shall be separated from adjoining residential use, measured at the property line, a distance of one foot for each one foot in height.

7. Projections

The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line. Fences, walls, and hedges may be erected in any required yard or setback

area or along the edge of a property line, provided that no such structure or hedge shall impede visibility at intersections.

8. Family Exceptions

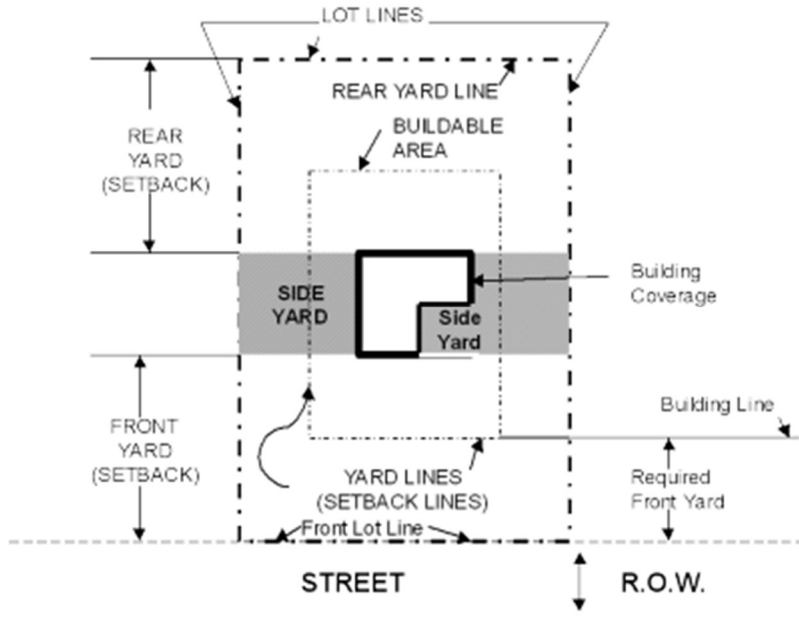
The Planning Commission may approve the subdivision of a lot in the RD and RD-1 zones district into less than 23,750 sq. ft. parcels under the following conditions:

- a. The purpose of the subdivision is to deed the lot to an immediate family member, limited to parents, siblings, grandparents and/or grandchildren for their residence.
- b. The lot so divided must meet SC DHEC requirements for water and sewer facilities (i.e. well and septic tank) or have public water and public sewer facilities available for use.

8.3 MEASUREMENTS

1. Yards, Setbacks, Buildable Area

The required front, side, and rear yards for individual lots, as set forth for by Table 2, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the “buildable” area within which the approved structure(s) shall be placed.



2. Height

The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure or from the base of a tree when computing height in the Airport Protection District, to the highest point of the building, structure, or tree.

8.4 NUMBER OF PRINCIPAL BUILDINGS/USES ON A LOT

Not more than one principal building or use may occupy a lot of record in the R-1, R-2 and the R-0 Districts.

There is no limit to the number of principal uses and buildings on a lot in all other zone districts; provided such uses shall meet lot area, setback, density and all other applicable requirements of this ordinance; further provided, that where three or more manufactured homes are to be located on a lot, said homes shall by definition constitute a manufactured home park and shall meet in full the development requirements of Section 3.15 and the location requirements of Table 1.

8.5 ACCESSORY BUILDINGS AND USES

A. Comply with Applicable Requirements

Accessory structures shall comply with all applicable provisions of this Ordinance. Except as otherwise provided in this Ordinance, accessory structures shall be permitted in the zoning district in which they are located.

B. Residential Lots Less than 2 acres

1. For Location, see Table 6 Setback Modifications, Accessory Uses
2. The combined gross floor area of all non-farm accessory structures shall not exceed 75% of the footprint of the principal structure.
3. The number of accessory structures shall not exceed two on any lot or parcel in the R-1, R-2, or B-1 Districts. For all other districts there is no limit to the gross floor area or number of accessory structures, however impervious surface limits specified in Table 2 shall not be exceeded.
4. Within the buildable area of the primary structure, height of accessory structures shall not exceed the maximum height permitted in the zoning district in which the property is located. Outside of the buildable area of the primary structure, accessory buildings shall not exceed 12 feet in height.
5. Accessory structures without a primary structure
 - a. Cannot exceed 1,600 square feet in size.
 - b. Must adhere to setback requirements in Table 2.
 - c. If the accessory structure is within 50 feet of a property line, a Bufferyard #1, as described in Article 4 of this ordinance, is required between the accessory structure and that property line.
6. Docks and dock shelters are not required to meet rear setback requirements
7. No mobile or manufactured home shall be used as an accessory structure.

C. Residential or Nonresidential Rural Lots Equal to or Greater than 2 acres

1. For Location, see Table 6 Setback Modifications, Accessory Uses
2. There is no limit to the gross floor area or number of accessory structures, however impervious surface limits specified in Table 2 shall not be exceeded.

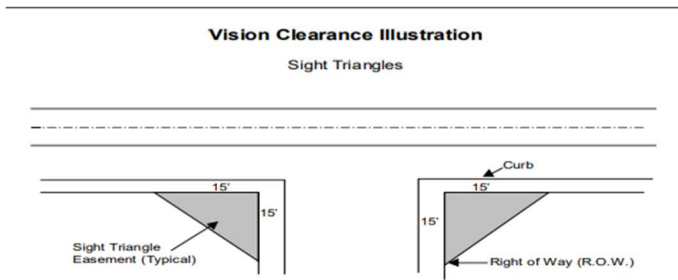
3. Within the buildable area of the primary structure, height of accessory structures shall not exceed the maximum height permitted in the zoning district in which the property is located. Outside of the buildable area of the primary structure, accessory buildings shall not exceed 12 feet in height
4. A primary structure is not required, but all accessory structures shall adhere to setback requirements in Table 2.
5. Docks and dock shelters are not required to meet rear setback requirements
6. No mobile or manufactured home shall be used as an accessory structure.

D. Commercial or Industrial Lots

1. For location, see Table 6 Setback Modifications, Accessory Uses
2. There is no limit to the gross floor area or number of accessory structures, however impervious surface limits specified in Table 2 shall not be exceeded.
3. The height of accessory structures shall not exceed the maximum height permitted in the zoning district in which the property is located. Adjacent to residential property, accessory structures outside of the buildable area of the principal structure shall not exceed 12 feet in height.
4. No mobile or manufactured home shall be used as an accessory structure.

8.6 VISIBILITY AT INTERSECTIONS

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.



8.7 NON-CONFORMITIES

8.7.1 CONTINUATION

Non-conforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance

may be continued (Grandfathered) even though such use, building, or structure does not conform to the provisions herein.

8.7.2 MODIFICATION

A proposed change or modification to a non-conforming use shall be governed by the following:

1. Change of Non-Conforming Use

If a change from one non-conforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

- a. Non-conformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
- b. The proposed change will have little discernable impact over the existing non-conforming use.

If a change to a permitted use is proposed which is non-conforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the non-conforming use or moving the use if it is on a permanent foundation.

Whenever a non-conforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or non-conforming use.

2. Enlargement or Expansion of Non-Conforming Use

Enlargement or expansion of a non-conforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, bufferyard, and off-street parking requirements for the district within which it is located.

3. Repair or alteration of Non-conforming Use, Building, or Structure

The repair or alteration of a non-conforming use shall in no way increase the non-conformity of said use, except as otherwise permitted by Subsection 2 above.

4. Replacement of Non-conforming Use

A building permit for the replacement of a non-conforming building or structure where damaged or destroyed must be initiated within 12 months of the time of the damage or destruction or forfeit the right of replacement. Damaged structures not replaced within this period shall be cleared and the property and grounds properly restored.

Replacement if initiated within 12 months of the time of damage or destruction shall adhere to all applicable requirements of Table 2.

Replacement of a non-conforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit non-conforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.14 of this Ordinance.

8.7.3 DISCONTINUANCE

No building or portion thereof used in whole or in part for a non-conforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

Listing or posting of a property for sale or lease shall not be deemed a discontinuance of use if the property is identified as being sold for that nonconforming use.

Wrecking, scrap and salvage operations, as defined by this Ordinance, shall within five years of the effective date of this Ordinance be brought into compliance with the provisions of Section 3.3, or where located in a district in which the operations are not permitted, cease operations and clean the site of any scrap or salvageable material.

8.7.4 LOT OF RECORD

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to meet the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 40%. Setback reductions greater than 40% shall be referred to the Board of Zoning Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.